suffrage in cities, but the recent experience of the country shows that has oftener been said to pave the way for bad men to obtain office, or grants of unusual powers from the Legislature, than with any purpose to effect local reforms. And the great municipal scandals and frauds that have prevailed, like those which were so notorious in New York city, have been made possible, and then nursed and fostered by illegitimate interference at the seat of State government. Some officers, usually of local appointment, are undoubtedly to be regarded as State officers, whose choice may be confided to a State authority without any invasion of local right, such as militia officers, officers of police, and those who have charge of the execution of the criminal laws; but those who are to administer the corporate funds and have the control of the corporate property, those who make the local laws and those who execute them, cannot rightfully be chosen by the central authority."

The principle of local self-government is a prominent feature in the federal and all our State governments. It is recognized in various ways in the Indiana Constitutions of 1816 and 1851. It existed before the creation of any of our constitutions, national or State, and all of them must be deemed to have been framed in reference to it, whether expressly recognized in them or not. Indeed, it is recognized as the chief bulwark for the protection of the liberties of the people against too great centralization of power in either the executive or legislative departments. (Pomeroy Constitutional Law, 9th ed., chapter on "Centralization and Local Self-government," Section 151, et seq.; Cooley Constitutional Lim., 5th ed., 225; 1 Dillon Municipal Corporations, 3d ed., Section 9). The general principles to which I have referred will hardly be questioned. The difficulty is in determining the application of them, and particularly in distinguishing between a constitutional legislative regulation and an unconstitutional legislative infringement upon this right of local self-government. All, or nearly all, the American authorities recognize the power of the State Legislature so far as it can be exercised without destroying or materially impairing the right of local self-government, to designate the form of that government, to vest in it much or little authority, to designate the number and define the powers of the municipal officers, and to enlarge, restrict or abolish altogether an established form of local government and substitute another. And all, or nearly all, the American authorities recognize the two-fold character of these municipal corporations, first as organizations for State purposes, and second as organizations whose functions are exclusively confined to matters of purely local concern. (1 Dillon municipal corporations, 3d ed., Section 58.) This classification, it may be observed, is easily understood and is quite a different thing from the classification sometimes made by which it is attempted to make a distinction between the public and private character of such corporations.

In the administration of justice, the preservation of the public peace and health, the assessment and collection of taxes, education and like matters of State concern, the State has an interest and may undoubtedly appoint its own officers, or make agents for its purposes of the municipal officers, who, though they act within the municipal limits, act in the discharge of duties in which the State at large has an interest. It is upon this ground that the decisions are based which recognize the authority of the Legislature to enact what are commonly called metropolitan police bills. It is to be observed in this connection that in some of the recent decisions a strong inclination has been manifested not to extend the doctrine upon which such bills are based. (People vs. Albertson, 55 N. Y., 50; People vs. Hurlbut, 24 Mich., 44.) But in regard to matters of purely local concern, such as sewers, the supply of gas and water, the creation and control of a fire department, and the like, the State at large has no interest. In regard to such matters the very decided preponderance of authority is that the Legislature cannot deprive the citizens of the municipality of their rights to determine them for themselves. Much less can it appoint boards of officers to make what improvements or contracts they please relative to such local affairs and saddle the expense upon the people, whether they are willing or not.

In support of the various propositions which I have stated I cite, besides the authorities already quoted, the very elaborate and able opinions of Campbell, J. and Cooley, J., in People vs. Hurlbut, supra; of Cooley, J., in People vs. Detroit, 28 Mich., 228, S. C., 15 Am. Rep., 202, and of McKinstry, J., in People vs. Lynch, 51 Cal., 15, S. C., 21 Am. Rep., 677. All of them will stand as enduring landmarks in American constitutional law. All of them strongly assert the right of local self-government as implied in all our constitutions, and as sacred from legislative encroachment. I refrain from quoting from them only because it is not possible to make quotations which will fully disclose the scope of their reasoning without making this opinion too long. I cite, also, in this connection Attorney-general vs. Detroit, supra; People vs. Albertson, supra; People vs. Meyer, 51 Ill., 17 S. C., 2 Am. Rep., 278. Applying these authorities to the acts in question there can be little doubt of the unconstitutionality of both of them. The first provides that the Board of Public Works shall have exclusive power over the construction, repair and cleaning of all streets, alleys, highways, culverts, bridges, sidewalks and sewers; and exclusive power in the making of contracts for lighting the city and supplying it with water. The members of the board are also given unlimited power to make contracts in respect to all these matters, and to employ as many superintendents and other subordinates and employes as they deem necessary, and to discharge any of them whenever they see fit. They are also given power to appoint a "legal adviser," a city civil engineer, and a superintendent of streets, and fix their salaries, no limitation whatever being imposed as to the amount thereof. In all these matters the city has no voice whatever in determining what shall be done, or the expense thereof.

The second act provides that the board for the control of the police and fire departments shall have exclusive control of both these departments, the employment of all subordinate officers and employes, the custody and control of all public property, including station-houses, engine-houses, engines, and all the apparatus belonging to the fire department, and all the records belonging to each of such departments. The board alone determines the expenses of the two departments, and the city has nothing whatever to do in regard to them except to foot the bills. Everything pertaining to the old order of things is "abolished," except the city revenue. Even the "police officers, firemen and employes of the fire department are hereby abolished and made unlawful." Neither board is bound to submit any report of its proceedings to any city or State officer, and no method is provided by which any of the members may be suspended or removed for malfeasance or neglect of duty. The authority of all the members of both boards, their subordinates and employes, is hedged about by extraordinary penalties. For interfering with any of them in the discharge of any of their duties, both acts impose fines of not less than $100, which may be increased to $1,000, to which may be added imprisonment of not less than ten days, which may be extended under the police and fire board act to ninety days, and under the public works act to one year. Taking these two acts together, it will be seen at once that there is no question here of a mere change in the form of the local government whereby the Legislature, while taking away the right to exercise local self-government in one way or by one set of officers, allows it to be exercised in another way or by another set of officers, chosen by the citizens of the municipality. The two acts together work a complete annihilation of all the essential powers and privileges appertaining to local self-government.

Nor can it be claimed that the State at large has any interest whatever in the matters embraced in these acts, except in so far as they relate to the police, and, perhaps, streets and highways. All else concerns the citizens of the municipalities, and them only. So far as I have examined, no such statutes as these, taken together, were ever before enacted by any American legislature. In England less encroachments than they make upon the rights of the people of the municipality have led to rebellion, and it is safe to say that in recent times no parliament would dare enact such laws for the government of any portion of the British realm excepting Ireland. If the Legislature has power to pass such acts as these, it may also pass similar acts applying to all the cities in the State. And, if this may be done, it may abolish the Board of Commissioners of Marion county and of all other counties in the State, and create boards with power to construct, repair and control all public buildings, roads and bridges, and exercise all the functions now exercised by such boards of commissioners. This, if unchecked, would lead to legislative despotism as absolute as that of the French National Assembly during the Reign of Terror. The way to check it is to nip it in the bud. If it be said that there is no danger that any legislature will ever exercise such power, even if conceded to it, the answer is that there is no instance in history of unlimited power, whether vested in one or in many, which has not been abused. To concede its existence is to invite the abuse of it.

The evils of many American municipal governments, the extravagance and corruption which they breed, the monopolies which they foster are well known, and the argument for vesting a large portion of the powers heretofore conferred upon irresponsible common councils in responsible non-partisan boards commends itself to the judgment of all thinking men; but if the selection of such boards is not left to the people of the municipality; if they are to be selected by a legislative caucus composed of men of only one political party, many of them residing hundreds of miles away from the city and ignorant of its needs and the wishes of its people, then the evils we now endure would be trifling compared to those which would surely follow. The fact that the successors of the members of the boards appointed under the acts in question will be appointed by a mayor to be hereafter elected by the citizens of the cities embraced in the acts does not remove the objection to the unconstitutional exercise of legislative authority, for the next Legislature may amend the law and create new boards to serve until the next ensuing city election and so on ad infinitum; or some subsequent Legislature may provide that the members of these boards shall always be elected by the Legislature, and thereby the citizens of the cities embraced in the acts may be perpetually deprived of the right to manage their own purely local affairs.

I am not unmindful of the grave responsibility resting upon a judge who has to determine the question of the constitutionality of a legislative act, especially when it has become a political question, but, to quote from the opinion of McKinstry, J., before cited, "the court cannot shirk the responsibility of deciding such questions when presented. It is as much their duty to consider the Constitution, in ascertaining what is the law, as to consider the statute. This duty must be performed, whatever the consequences." I am in favor of holding both the acts under consideration to be unconstitutional and of making our rulings accordingly in all the cases before us.

There was an approving murmur from the seats where sat members of the Indianapolis bar, when Judge Howe, in his reading uttered the words: "In England less encroachment than they [these acts] make upon the rights of the people of a municipality have led to rebellion and it is safe to say that in recent times no parliament would dare enact such laws for the government of any portion of the British realm excepting Ireland." This manifestation of approval was received by the Judge with knotted brows. He read on until coming to the place in his opinion where he said that if the General Assembly could thus usurp the rights of citizens in municipal government it could go on "and exercise all the functions now exercised by such boards of commissioners. This, if unchecked, would lead to legislative despotism as absolute as that of the French National Assembly during the Reign of Terror. The way to check it is to nip it in the bud." At this manly and vigorous assertion of the proper treatment for legislative encroachment there was a clapping of hands, begining with the lawyers and going over the house. Judge Howe was much annoyed, and said with some sternness: "I hope there will be no expressions of approval or of disapproval. In this place it would be very offensive to me." After this admonition the reading continued to the close without any interruption, though the beaming countenances of more than three-fourths of the audience showed plainly their satisfaction and approval.

Judge Taylor's Opinion.

The minority opinion of Judge Taylor was elaborate. It covered all the objections made on part of the defense and passing to that involving the local or special character of the acts under consideration set forth the following:

Section 22, Article 24, of the Constitution positively forbids the passage by the General Assembly of local or special laws in any of the cases enumerated therein; but I have not the time to state each of these enumerated cases and demonstrate that neither of them embraces these acts. I will merely state that I have carefully considered the provisions of that Section and conclude that neither of these acts come within the purview of that section. Time does not allow of a review of decided cases fortifying this conclusion, but I will cite the following: Guetig vs. The State, 66 Ind., 94; State ex rel. Hargrove vs. Reitz, 62 Ind., 159; Hanion vs. The Board, etc., 53 Ind., 123; Clem vs. The State, 33 Ind., 418; Combs vs. The State, 28 Ind., 22; and Patterson vs. Donnan, 15 Pac. Rep. 783. It seems to me that if these acts are open to this objection we sit here as a court this day without authority of law, and that the Board of School Commissioners of this city has no legal existence; that the Criminal Court of this county is without warrant in the Constitution to decide upon questions of life and liberty; that the Board of Aldermen of this city is an unlawful creation exercising power unlawfully, and that the present Board of Metropolitan Police is a body acting without law. For the same objection applies with full force to each of these legislative creations; and, yet, each has been recognized for years by the public, the legislative, the executive and the judicial departments of the State government as having legal existence, and one of them, at the least, has been decided to be constitutional and legal by the highest judicial tribunal of the State.

Section 23 of the same article is the only constitutional provision on that subject to which resort can be had to sustain this objection. It is in these words: "In all the cases enumerated in the preceding section [Sec. 22], and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State." And considering this Section as applicable, the result is that the legislative power of the State is the sole judge whether a special law could be enacted in this case, and the decision of that power is conclusive upon the courts. This has been repeatedly decided by the Supreme Court of this State. (Gentle vs. The State, 29 Ind., 409; State vs. Boone, 38 Ind., 225; Longworth, executor, vs. Common Council, 32 Ind., 322; Clem vs. The State, 33 Ind., 418; State vs. Tucker, 46 Ind., 355; Vickery vs. Chase, 50 Ind., 461; Wiley vs. Bluffton, 111 Ind., 152.) I regard as untenable the allegation in the answer in cause No. 39312, which is based on enrolled act No. 83, providing for a Board of Metropolitan Police and Fire Department of all cities of this State of 29,000 or more inhabitants, according to the United States census of 1880, etc., as there was at the time of the passage of that act other cities in this State having over 29,000 inhabitants, which were known to the Legislature, etc.; and I regard the allegation in the answer in cause No. 39321, based on enrolled act No. 52, to establish an efficient Board of Public Works and Affairs in all cities of 50,000 inhabitants, or more, etc., that there was at the time of the passage of that act only one city of 50,000 inhabitants—viz., Indianapolis—in this State, which was well known to each member of the General Assembly and the people of the State, etc., as merely injected as evidence of the fact alleged that the acts are local and special, and in no wise avoiding the rule established by the law that the legislative power is the sole judge in such cases and its decision final. And the allegation that the act, No. 83, is local or special, in the sense of the Constitution, because it was intended to be applied to the cities of Indianapolis and Evansville only, cannot avail, because the General Assembly, having the discretion to act and the power to decide in the particular case, the natural conclusion is that it intended to do what it did, and it could not well have done what it did unless it intended to do so. My conclusion is that this objection is not tenable.

It is further objected to the validity of these acts under the Constitution that they each embrace more than one subject. I shall dispose of enrolled act No. 52, involved in cause No. 39321, in brief terms. It is an act to establish an efficient Board of Public Works and Affairs in all cities of 50,000 inhabitants, etc. An examination of the act, as careful as the time permitted, has failed to show me wherein it is open to this objection; and the argument of the question, in my judgment, has signally failed to point out a single invasion of this constitutional prohibition.

To enrolled act No. 83 it is objected that providing a police force in the cities of Evansville and Indianapolis is one subject, and that providing and maintaining a fire department in said cities is another and distinct subject; which subjects have no natural, legal or logical connection with each other. There is not much question of the power of the General Assembly to abolish the Common Council and Board of Aldermen of the city of Indianapolis, or of a class of cities in this State, unless new legal rules intervene, and to provide a board or commission to govern its affairs. (Cooley on Const. Lim., 170 and Note 3, 192 and 193.) But the police and fire departments are parts of a municipal government, and so intimately connected in purpose and use as, in my opinion, not to admit of their being held to have no natural, legal or logical connection. It is my conclusion that their connection as necessary agents of municipal comfort and protection is natural, legal and logical, and that placing them under the control of one board affords no ground for constitutional objection. See Ohio vs. Covington, 29th Ohio St., 102; Cooley on Constitutional Limitation, 193, Note 2. It is my opinion that this objection has no support in the Constitution. The question of the right of the General Assembly of this State to elect the relators to the respective offices is directly presented, and it must be determined by the Constitution of this State. I am decidedly of the opinion that the election of these relators by the General Assembly was valid under the Constitution, and equally decided in the opinion that there is no provision in the Constitution of the United States that conflicts. There is nothing in the character or essential qualities of a republican government that requires every official to be chosen by popular vote of the particular locality, nor to be appointed in the first instance by some particular individual or official in the particular locality. A municipal corporation is a part of the machinery of the State government; it is the creation of the legislative power, an integral part of the State and subject to its legislative control, which is the popular agency for that purpose, and what it does is done by the people; it is a popular act in the sense that the people's agents do it. In saying this, I think I have the support of all conservative law writers.

At the time of the enactment of this Constitution there were a number of State officers who were chosen by the General Assembly, and the manner of whose appointment was not otherwise provided for in the Constitution, and which have been since filled by the election of the General Assembly; and the General Assembly has, ever since its adoption, continued to create necessary offices and to fill them by its election. True, in many instances, the law creating such offices has provided that they shall be filled either by the Governor or by some other named person, or by the Governor and certain named officers of the State. But that in no wise goes to prove that the General Assembly has not the power to appoint; it only shows that there is a discretion to do one or the other. And this power in the General Assembly has not only been recognized as existing by its uninterrupted exercise and submission to it of the people and every department of the State government since the adoption of the Constitution, but it was unquestioned in the case of Collins vs. the State (8 Ind., 344; and the case of the State vs. Harrison (113 Ind., 443,) in express terms recognizes such right as existing, if it does not squarely decide the right of the Legislature to elect officers not otherwise provided for in the Constitution. And, if we go back to the Constitution of 1816, we find the same right exercised for thirty-five years under that Constitution to the adoption of our present Constitution of 1857 without question; and in its exercise, there is not, in my opinion, any encroachment on the rights of the executive, as fixed in Section 1, Article 3, of the Constitution, which divides the powers of the State government into three separate departments—the legislative, the executive (including the administrative), and the judicial; and declares that no person charged with official duties under one of these departments shall exercise any of the functions of another, "except as in this Constitution expressly provided," for the Constitution must be construed as a whole, and this power given in Sec. 1, Art. 15, to the General Assembly, and exercised under it, must be taken and held to be an exception expressly provided in the Constitution if the act of electing or appointing by the General Assembly to an office whose appointment is not otherwise provided for in the Constitution, can be construed to partake of the character or attribute of an executive act. But I think it may be safely said that the power of appointment to office in this State, from its organization to the present time, a period of nearly seventy-three years, has never been recognized as a pure executive prerogative; and if the constant exercise of the power, unquestioned, in cases not otherwise provided for in the several constitutions, was required to sustain the power of the General Assembly, in the cases under consideration it ought to be conclusive; but the constitutional provision last quoted, without aid even from the cases of Collins vs. the State and the State vs. Harrison, supra, settles the question in favor of the power, and no other provision of the Constitution, by a fair interpretation and application, conflicts with it. I regret that lack of time prevents me from referring to and considering them in detail, but it is not possible. I cite the following authorities on this point: Cooley on Const. Limitations, * p. 115, Mayor, etc., of Baltimore, vs. State ex rel. Board of Police, 15 Md., 376; the people vs. Draper, 15 N. Y., 532; Am. and Eng. Cy. of Law, Vol. 3, p. 689, and compare with Sec. 1, Art. 15; Sec. 30, Art. 4, and Sec. 30, Art. 5, Const. of Ind.

The Judge then, in reviewing the other objections as raised in the answer, said there was nothing in the plea of class legislation to defeat the bills. In the objection that the bills imposed the burden of taxation without the city having any choice in the appointment of the agents, he held that the agents were elected by the creator and controller of municipalities and the representatives of the municipality to the Legislature had a voice in the selection of the agents.

Will Go to the Supreme Court.

While it is regarded that the decision virtually settles the questions involved in the acts applying to the city, those representing the Board of Public Works and Affairs and the Bigham police board will take the cases to the Supreme Court. Papers to that end will not be completed to-day, as it is the purpose to have these acts presented to the court along with that creating the Supreme Court Commission. That will be on Thursday.

Governor Hovey's Answer.

Governor Hovey yesterday filed an answer to the suit of J. L. Carson in the Circuit Court, in which it was petitioned that a writ of mandamus be issued compelling the Governor to issue to Carson a commission authorizing him to act in the capacity of trustee at the Insane Hospital, or show the grounds for his refusal to comply. Governor Hovey defends his position by stating that the bill passed by the General Assembly and by the provisions of which Carson claims to have been appointed, was not returned to him after he had refused to sign it, and that it was not returned to him by the Secretary of State. He further claims that it was not duly signed by Speaker Niblack and Lieutenant-governor Chase, and its unconstitutionality is based, he says, on the fact that the Legislature passed beyond its limit of power when it attempted to fill the office it had by its laws created. A demurrer to this answer was filed by Carson's attorneys, and this morning it will be heard by the court.

AN ACT ANALYZED.

Richmond's City Attorney Finds the Barrett Bill Useless.

The act relating to improvements of streets and alleys, for which Senator Barrett is responsible, City Attorney Lindemuth, of Richmond, finds to be a very objectionable law, as he expresses his views thereon in an interview published in the Sunday Register, of his city. Mr. Lindemuth finds that, while the title says the act repeals all laws in conflict therewith, there is no repealing clause whatever in the body of the act, which leaves all repeals to be made by implication. This act of repeal is not in favor with the courts, he states. There are usually as many different constructions upon conflicting points as there are attorneys. The result will be that a decision of the Supreme Court will be required before it can be clearly known what the law really is. Until such decisions of the Supreme Court, the probability is that there will be as many different methods of procedure as there are cities and towns in the State affected by the law.

Continuing, Mr. Lindemuth says:

Again, the act does not except from its effect pending proceedings for public improvements. In addition to this, there is an emergency clause which puts the law into immediate force, thus throwing the thousands of such pending proceedings into a state of confusion. I am of the opinion that so far as the act seeks to interfere with proceedings that have already been matured into a contract it is illegal and void, being in conflict with the constitutional provision prohibiting the impairment of contracts. All such proceedings which have not yet turned into contracts will in all probability have to be begun anew, and many seriously delayed. It would have been a very easy matter for the author of the bill, had he understood the matter he was dealing with, to have, in a few words, excepted pending proceedings so that they could have been completed under the old law without interruption, and new proceedings begun under the new law, thus avoiding all this unnecessary trouble and confusion. By the provisions of the act incorporated cities and towns are made liable to the contractor for the total cost of their improvement; and in order to raise funds to pay the same such cities and towns are empowered to issue bonds for the amount. The result of this will be that in many cities and towns of the State there will be added to their present indebtedness the additional bonded indebtedness for ten years. Some of these cities and towns have already exceeded the constitutional limit of their bonded indebtedness, and many are close on to that limit. In such towns and cities all public improvements will necessarily have to cease until they have the money in the treasury.

By the provisions of the act the bonds issued for each public improvement must be divided into ten equal bonds, payable in from one to ten years, bearing interest not to exceed 6 per cent., payable semi-annually. When contracts for improvements of alleys and sidewalks, ranging from $100 to $150 upward, are divided into these numerous small bonds, some idea of the cumbersomeness of the method will be appreciated, especially when the right is given to pay upon the bonds at any time, to require deductions therefor, rebates of interest, etc. Again: The law requires three weeks' publication for the letting of bids. When the meetings of boards of public improvements and councils throughout the State are usually two weeks at least apart, which necessarily occasions a delay of at least a month in the mere letting of a contract, this is wholly unnecessay. Ten days are amply sufficient for such notice, because persons engaged in contracting for local improvements are in close attendance at the meetings of all councils and boards of public improvements, and are fully advised when council recommends the making of any public improvement, and such contractors are fully informed of all pending proceedings, and are just as competent to make contracts or proposals in ten days as in a month. The property-owners would in no wise suffer from the shortness of such notices, because the persons who bid on such local improvements are almost exclusively residents, and as stated before conversant with all pending proceeding for public improvements.

Another absurd feature of the act is where it requires the common council of the city or the board of trustees of the town, whenever they deem any such public improvement to be necessary, they shall declare the same by resolution, and shall then give notice to the property-owners for ten days for two weeks.

It is impossible to tell what the author of the bill intended to say. The expression is absurd. It may mean one of two or three things. It might be construed to mean that notice shall be given every day for ten successive days, and then an interval of two weeks. Or, a notice published on the same day of two consecutive weeks, and then an interval of ten days. This is probably what the author intended. But the absurd feature that I was speaking of, is that after council has declared the necessity of the construction of the public improvement, that notice should be given to the property-owners, stating the time and place, when the property-owners along the line of said proposed improvement can make objections to the necessity for the construction thereof. Now, councils do most of their work by committees. Whenever any matter for improvement is proposed council refers the same to the board of public improvements or an appropriate committee. The effect of this provision is that after such matter is so referred they will investigate the necessity of the improvement, and if they decide in favor thereof, report the fact by resolution to the council. If the council then adopts the resolution the matter goes back to the committee, or remains in council to be reopened and reconsidered when the property-owners make their objection—thus putting the council and the committee in the attitude of disregarding the objection of property-owners, or after it has once decided to reinvestigate, and perhaps go back on its former decision. The act should have provided for the hearing of property-owners in the first instance, when the necessity of the public improvement was under consideration. In addition to the absurdity of the position in which it places council and committee, and property-owners at a disadvantage, it again occasions unnecessary delay, for the matter is first presented to council, and then it is referred to the proper committee. This means two weeks delay. Then the committee must have until the next meeting to investigate to be able to pass on its necessity. This means two more weeks. Then if it determines that the improvement is necessary, it reports the resolution to council at the next meeting, which is the third after its introduction. Then if council adopts the resolution, this notice to property-owners must be given, for ten days for two weeks, which means a twenty-four days' interval. In case the matter is reopened, it might be continued indefinitely. Then the advertising for bids comes in for twenty-one days more.

Yes, Section 10 of the act provides that when any property-owner wants to take advantage of the installment plan of paying his assessments, he shall promise and agree in writing, to be filed with the clerk of said city, the same to be spread on the record, that he will not make any objection to the illegality or irregularity of his assessments. So that whenever a public improvement, a sewer, a street, a sidewalk or alley is made, all the property-owners along the line of the improvement, will have to trot up to the city clerk's office, and enter into written contracts waiving their right to question the illegality or irregularity of their assessments. This will be a pleasant feature of the duties of the city clerks. It is red tape with a vengeance. If they don't, the act is so clear as to state that the property-owner "shall be required to pay his assessment in full when made, and the same shall be collectible by or through any of the methods provided by law for the collection of assessments for local improvements, including the provisions of this act." Thus the assessment is collectible under the old law and the new law, too, with their inconsistencies standing.

Another feature of the act is that part which empowers cities and towns to go into a shyster real estate business. The law provides that when any property in the enforcement of a lien on an assessment is offered for sale and fails to sell for want of bidders (generally it is some scrub property not worth the assessment) the city is empowered to purchase and hold the property, which, if followed out, in a few years the city would become the owner of all the odds and ends of real estate in and about the city, and she would be like the fellow that the more he had the worse would he be off.

And still another instance of the clumsiness of the law is that it provides that the assessments against the property-owners shall be divided into ten installments and placed on the tax duplicate one installment for each subsequent year for ten years. The interest shall be calculated on each installment from the time of making the assessment until the year the installment is due, and likewise added to the assessment on the duplicate. The property-owners have the right to come in any time and pay portions of the installments and receive credits, and the treasurer shall be required to deduct interest on all portions prepaid. In addition to this there is a great deal of property that is not on the tax duplicate, being exempt, such as churches, scientific, educational, charitable and religious institutions, which will have to be added to the tax duplicate. The truth is, the work and labor of the treasurer's office will be nearly doubled.

I might name a number of other crude and pernicious provisions, but there are two serious defects that I have not spoken of, and I do not know whether I ought to say anything about them. I will say this much, however—there are such defects as that every property-owner, if they were cognizant of them, could entirely defeat their assessments. I do not think it wise to state them, for the reason that cities and towns throughout the State might have serious trouble in the next two years in making improvements.

COLBERT'S FORCE DISBANDED.

The Decision Led Nearly All of Them to Surrender Their Badges to Supt. Travis.

The decision has practically disbanded the alleged police force which has been under the management of Captain Colbert. Immediately after it was learned what the majority of the court had done, patrolmen who had left the regular force and joined Colbert, began appearing at the station-house to surrender their badges and maces, and to apply for reinstatement. During the afternoon patrolmen LaPorte, Kain, Schaub, Hœfgen and Stout made such applications, and at evening Hagerman, Kurtz and several others returned their badges and made their requests to be restored to their former positions. At 7 o'clock all the new force had withdrawn, except Colbert, Quigley, Manning, Kerins and Sauers. It was after 7:30 o'clock when the few faithful to Colbert gathered in the little court-house room. They looked downcast, and their uniforms had all been left at home. Captain Colbert informed the group that the court had decided against them, but he said he was acting under instructions from Messrs. Holt, Sullivan and Catterson, who still claimed to be Police Commissioners, and proposed to hold on. He told the men they could use their own pleasure about running their beats, but all immediately returned to their homes. It is understood that all of them, perhaps, but Colbert will surrender their badges to Superintendent Travis to-day, and ask the old board to reinstate them. Captain Colbert said to a reporter that he fully expected the Supreme Court to sustain Judge Howe's opinion, but he could not be consistent and surrender at this stage of the fight. In addition to the members of the old force who joined Colbert, there are about three hundred outsiders who want positions on the old force.

BASE-BALL PLAYERS.

Manager Bancroft Has Arranged a System of Rigid Practice.

Manager Bancroft assumed control of the affairs of the ball club yesterday morning and at once decided upon a definite system of field practice which will go into effect to-day. His plan is to place the men in their regular positions, with a pitcher in the box, and a catcher behind the bat, while each man will take a turn with the stick, and in this way the players will put in four hours a day, an order to that effect having been posted up in the club-house. This was one of Captain Glasscock's ideas and it promises to result in training the men in the best possible manner. A system of signs or signals will also be arranged within a few days, and these will be worked upon until the players are perfectly familiar with them. This will be the first step in the direction of good team work, and will be followed with other measures of a similar character, with a view of securing the full strength of the team in championship games. The men are not all here yet, but several were expected on the late trains last night, and it is probable that all will be here by to-morrow. President Brush says that the men who are not in condition to play ball on the first day of April will receive no salary until they are in shape, and it behoves the absent men of the diamond to be coming in within a very short time.

The City League.

The City League officials met last night and adopted a Sunday schedule for the coming season. It will include twenty-two games beside nine games to be played at the league grounds in the absence of the Hoosiers. The opening game will be played on April 21, and the season will close Sept. 15. There was much wrangling over the schedule, but it was finally signed and appears to be very well arranged. The ground committee also reported that the offer of Mr. Monroe had been accepted and that one of the fields will be located at his place in North Indianapolis. The other grounds will be at Broad Ripple and Brighton Beach.

Will Go to Washington.

WASHINGTON, March 25.—The Post tomorrow will say: "John Montgomery Ward will play in Washington next season. The question has been settled beyond all dispute, and only requires Ward's signature to a contract to complete it. This will be given within a few days. Ward has accepted the terms offered by the Washington club, has gone into the minor details of the management of the team the coming season, specifying the players he would like to secure and the hotels he desires the men to stop at while traveling, and his name would be at the bottom of a Washington contract to-day if it were not that he desires to hear from President Day, of the New York club, on one point, which he knows is practically settled."

Base-Ball Notes.

Boston has released Catcher Sommers of the Chicago club.

Glasscock's family will not come to Indianapolis this season.

Manager Bancroft says that John Morrill will certainly remain in Boston.

The local management intends to make a big display when the League season opens. It will probably be arranged to have all of the amateur clubs join the League team in a street parade and general hurrah.

During the practice yesterday Rusie, the young amateur pitcher, was put in the box and showed up in splendid style. He has great speed and very good command of the ball. It is not unlikely that the home management will give him a trial in some of the exhibition games.

Manager Bancroft said last night that all of the clubs but New York had waived claim to Healy, and he feels sure that Day will also do the same. Mr. Bancroft thinks that the New York official is away from home and has not received President Brush's message. He says it is practically settled that Whitney will play in Indianapolis.

President Brush and Manager Bancroft decided upon a uniform for the ball team last night, and an order was at once telegraphed to Spalding for the suits. They will be of dark-blue material, with orange stockings and belts and caps to match. The samples show a very pretty combination, and the uniforms will, doubtless, present a handsome appearance.

Manager Bancroft had a conference with the City League officials last night, and arranged two games to be played on Thursday and Saturday of this week. The Hoosiers will have out a regular team of the professional players, while the amateurs will pick their nine from the best players in the various clubs of the league. There are several good players in the City League, and the games promise to be interesting.

The Thorpe Block Sold.

One of the largest and most important real estate transfers that has been made this year was completed yesterday through the agency of Powell & Rhodes, in the sale of the Thorpe Block, on East Market street. The transfer was made by the Equitable Insurance Company of Connecticut, to N. S. Byram and E. G. Cornelius for $70,000, and it is the intention of the purchasers to remodel the block, put in rapid-transit elevators and equip the building with all the modern improvements necessary for an extensive business block.

Serious Accidents.

Carrie M. Lingenfeldt, an employe at the starch-works, yesterday fell from a stairway at that place a distance of ten feet. She was badly injured. Kregelo removed her to her home, 121 Hendricks street.

Thomas Wilson, a tailor, was struck by an L., B. & W. engine Sunday night, while he was walking near the poor-farm. Both arms were broken and internal injures received that will probably prove fatal. The man is without friend or relatives and was taken to the City Hospital.